

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION**

LEAGUE OF UNITED LATIN AMERICAN
CITIZENS, *et al.*,

Plaintiffs,

v.

GREG ABBOTT, in his official capacity as
Governor of the State of Texas, *et al.*,

Defendants.

CIVIL ACTION NO.
3:21-cv-00259-DCG-JES-JVB
[Consolidated Action: Lead Case]

**UNOPPOSED MOTION FOR LEAVE TO FILE SEALED DOCUMENTS AND FOR
LEAVE TO EXCEED PAGE LIMIT FOR THE PRIVATE PLAINTIFFS' MOTION TO
COMPEL REGARDING PORTIONS OF DEPOSITIONS SUBJECT TO LEGISLATIVE
PRIVILEGE OBJECTIONS**

Pursuant to Local Civil Rule 5.2, the Private Plaintiffs in these consolidated cases¹ hereby move for leave to file under seal their Motion to Compel Regarding Portions of Depositions Subject to Legislative Privilege Objections, and accompanying exhibits, attached hereto as exhibits in accordance with Local Civil Rule 5.2(a). Private Plaintiffs make this motion to ensure compliance with the Court's May 18, 2022 Order, Dkt. 282, which directs the parties to seal any portion of deposition testimony over which an assertion of legislative privilege has been made before submitting such materials to the Court. The motion relies on the deposition testimony of legislators and non-legislators, over which counsel for State Defendants and third-party

¹ Private Plaintiffs include: LULAC Plaintiffs, the Mexican American Legislative Caucus ("MALC"), Texas NAACP, the Fair Maps Plaintiffs, the Brooks Plaintiffs, the Black Congresspersons, and Plaintiff Martinez Fischer.

legislators asserted the state legislative privilege. Accordingly, the Private Plaintiffs respectfully request that the Court grant them leave to file the attached motion under seal. *See Ex. A.*

Additionally, pursuant to Local Rule CV-7(c)(2), Private Plaintiffs respectfully request leave to file a motion in excess of six (6) pages of the page limit—for up to sixteen (16) pages, exclusive of the case caption, signature block, etc. Private Plaintiffs' motion is attached as Exhibit A.

Private Plaintiffs seek leave to exceed the page limit in order to explain the factual and legal bases of their Motion to Compel. Granting this motion will not prejudice any party. Counsel for Legislators have stated that they do not oppose this motion.

CONCLUSION

For the foregoing reasons, Private Plaintiffs respectfully request that the Court grant this unopposed motion.

DATED: August 15, 2022

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CERTIFICATE OF CONFERENCE

I hereby certify that, on August 12, 2022, counsel for LULAC Plaintiffs and MALC, on behalf of Private Plaintiffs, conferred with counsel for Legislators regarding the instant motion. Counsel for Legislators indicated that they do not oppose the motion.

/s/ Sean J. McCaffity
Sean McCaffity

CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that she has electronically submitted a true and correct copy of the above and foregoing via the Court's electronic filing system on the 15th day of August 2022.

/s Sean J. McCaffity
Sean McCaffity